



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

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MICHAEL A. CARDOZO
Corporation Counsel

SARAH B. EVANS
Assistant Corporation Counsel
Tel.: (212) 788-1041
Fax: (212) 788-9776

MEMO ENDORSED

September 20, 2007

VIA FAX (WITH PERMISSION)

Fax: 212-805-7949

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: George Hayes, et al. v. City of New York, et al., 07 CV 6387 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. I write to respectfully request that the Court adjourn the initial pretrial conference currently scheduled for September 28, 2007 at 9:45 a.m. until a later date, convenient to the Court, after the pleadings are joined. Plaintiff's counsel, Brett Klein, Esq., consents to this request.

As Your Honor may recall, by letter dated August 13, 2007, City defendant requested an enlargement of time until October 13, 2007, within which to answer or otherwise respond to the complaint, and a corresponding adjournment of the initial pretrial conference scheduled for September 28, 2007 until a later date, convenient to the Court, after the pleadings are joined. Defendant requested an enlargement to afford us the opportunity to conduct an investigation into the facts of the case, investigate service of the complaint and to resolve representation issues. On August 15, 2007, the Court granted defendant's request for additional time to answer or otherwise respond to the complaint, but did not address defendant's request to adjourn the initial pretrial conference. Defendant now renews its request to adjourn the September 28, 2007 initial pretrial conference until a later date.

The reason for this request is that we are still conducting an investigation into the allegations of the complaint and were only recently provided with releases from plaintiffs. Because plaintiffs claim they were falsely arrested, maliciously prosecuted, and assaulted by New York City Police Officers, by letter dated August 10, 2007, we requested signed

*Inference
adjourned from
September 28 to
October 19, 2007 at 12:00 p.m.
SO ORDERED.
USDS
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authorizations for the release of the underlying criminal records sealed pursuant to NYCPL § 160.50 (1)(d) for their arrests and medical releases pertaining to any physical and/or psychological treatment received in connection with the alleged incident.

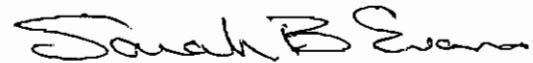
As Your Honor is aware, defendant requires the unsealing releases in order to obtain any records that may exist concerning the arrests and prosecutions of plaintiffs, including records from the New York City Police Department. Additionally, as plaintiffs are claiming physical and/or psychological injuries in this case, defendant requires plaintiffs' medical records for any treatment received in connection with these claims in order to fully investigate the extent, nature and causation of these allegations. Without first accessing the underlying records, we cannot adequately investigate the allegations in the complaint.

Approximately two weeks ago, defendant received executed unsealing releases and medical releases from plaintiffs. Upon receiving these releases, defendant immediately processed them. However, it generally takes more than 30 days to secure the underlying documents once a properly executed release is returned to this office.

In light of the above, we respectfully request that the Court adjourn the initial pretrial conference until a later date, after the pleadings are joined, so that defendant is afforded additional time to conduct an investigation into the allegations in the complaint.¹

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration.

Respectfully submitted,



Sarah B. Evans
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Brett Klein, Esq. (By fax)
Attorney for Plaintiffs
45 Main Street, Suite 820
Brooklyn, New York 11201
Fax: 718-222-2889

¹ Should the Court grant defendant's request to adjourn the September 28, 2007 initial pretrial conference, defendant respectfully submits to the Court that I am assigned to handle another civil rights matter pending in the Eastern District of New York before Magistrate Judge Azrack, which is scheduled to begin trial on October 22, 2007. As a result, I will be consumed with trial preparation and trial between October 15, 2007 and October 26, 2007.